

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

FONDIA K. WITHROW, :  
Plaintiff,  
v. : Case No. 3:18-cv-337  
COMMISSIONER OF SOCIAL : JUDGE WALTER H. RICE  
SECURITY ADMINISTRATION,  
Defendant. :

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DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #11);  
VACATING COMMISSIONER'S NON-DISABILITY FINDING;  
REMANDING TO SOCIAL SECURITY ADMINISTRATION UNDER  
SENTENCE FOUR OF 42 U.S.C. § 405(g) FOR FURTHER  
CONSIDERATION; JUDGMENT TO ENTER IN FAVOR OF PLAINTIFF  
AND AGAINST DEFENDANT; TERMINATION ENTRY

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Based on the reasoning and citations of authority set forth by United States Magistrate Judge Sharon L. Ovington in her Report and Recommendations, Doc. #11, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety. Although the parties were notified of their right to file Objections to the Report and Recommendations, and of the consequences of failing to do so, no Objections were filed within the time allotted.

The Court VACATES the Commissioner's non-disability finding, but makes no finding as to whether Plaintiff was under a "disability" within the meaning of

the Social Security Act. This case is REMANDED to the Social Security Administration under sentence four of 42 U.S.C. § 405(g) for further consideration consistent with the Report and Recommendation and this Decision and Entry.

Judgment shall be entered in favor of Plaintiff and against Defendant.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: February 10, 2020

  
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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE